

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	CR No. 12-00072-S
)	
DWAYNE O'HAGAN,)	
)	
Defendant.)	
_____)	

ORDER

WILLIAM E. SMITH, United States District Judge.

Before the Court is Defendant's Motion to Return Seized Property. (ECF No. 19.) Defendant alleges that certain jewelry items belonging to Kelia O'Hagan were seized by officers of the Drug Enforcement Administration ("DEA") during a search of the Defendant's house, in which drugs and drug paraphernalia were seized as evidence against Defendant. Defendant now seeks the return of the jewelry, which was not evidence in this case.

The Government claims that the DEA agents did not seize the items listed in Defendant's motion and is therefore not in possession of them. (Gov't's Resp. in Opp'n to Def.'s Mot. to Return Seized Property, ECF No. 20.) The motion is therefore DENIED. The Court notes, however, that Ms. O'Hagan may seek relief by filing a civil action against the Government. This

will afford her the tools of discovery to determine if the DEA seized the jewelry.

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith
United States District Judge
Date: January 2, 2013